

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

OUT-A-SIGHT PET CONTAINMENT,
INC.,

Plaintiff,

v.

RADIO SYSTEMS CORPORATION,
RADIO FENCE DISTRIBUTORS, INC.,
and LORI VOLIWILER,

Defendants.

Civil Action No. 01-5775

July 19, 2005

MEMORANDUM/ORDER

Currently before the Court is defendant Radio Systems Corporation's motion to enter final judgment on its counterclaim for declaratory judgment. Several months ago, this court entered judgment on a jury verdict in favor of defendant on plaintiff's breach of contract claim. Judgment was also entered in favor of defendant on plaintiff's other claims. Despite the judgment in its favor at trial, defendant now requests that this court rule on the meaning of a particular provision of the contract in question.

For a court to rule on a declaratory judgment motion, there must be a "case of actual controversy" that exists between the parties. Wyatt v. Government of the Virgin Islands, 385 F.3d 801, 806 (3d Cir. 2004). A controversy that is purely academic or moot is not justiciable under this provision. Id. at 806. This court ruled after a jury verdict that the defendant did not

breach its contractual obligation to plaintiff. As a result, defendant is not liable to plaintiff for any damages. Further interpretation of the contractual provisions will not have any effect on the relationship between the parties, and there is no longer an actual controversy between plaintiff and defendant.

Accordingly, defendant's motion to enter final judgment on its counterclaim for declaratory judgment is **DENIED**.

BY THE COURT:

Pollak, J.